

Jane Hutt AS/MS
Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-JH-1187-22

Huw Irranca-Davies MS
Chair,
Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

22 March 2022

Dear Huw,

I am writing to inform you that on 8 March the House of Lords agreed amendment 64A to the Nationality and Borders Bill, which inserts new clause 62 into Part 4 of the Bill, attached below.

The Bill is now at its Final Stages and the House of Commons will be considering the House of Lords amendments today. This unfortunately leaves no opportunity for the Senedd to consider and scrutinise the amendment before the Final Stage is completed. This also means the UK Government are proceeding with the Bill without securing legislative consent from the Senedd, or indeed any of the Devolved Governments. This is wholly unacceptable and is a breach of the Sewel convention.

My intentions were to lay a SLCM regarding this amendment. However the Bill received its Third Reading in the Lords on 14 March and has now commenced final stages of consideration of amendments ('Ping Pong'). During this stage it is likely amendments agreed in the Lords will be overturned and further amendments made.

Given there are uncertain and unpredictable times ahead regarding both the UK Parliament and UK Government timetable and process of the Bill, I have taken the decision to withhold laying a SLCM regarding new clause 62 introduced by amendment 64A. Once there is certainty around the Bill, and the outcomes at the UK level are clear I will take appropriate action in response to any further amendments made.

Yours sincerely,

Jane Hutt AS/MS
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

62 Age assessments: restrictions

- (1) Age assessments under section 54 or 55 must only be undertaken if there is significant reason to doubt the age of the age-disputed person.
- (2) A person conducting age assessments under section 54 or 55 must be a local authority social worker.
- (3) Age assessments must be undertaken in accordance with the Association of Directors of Children's Services Age Assessment Guidance or equivalent guidance in Scotland, Wales and Northern Ireland.
- (4) When an age assessment is conducted, a process must be used that allows for an impartial multi-agency approach, drawing on a range of expertise, including from—
 - (a) health professionals,
 - (b) psychologists,
 - (c) teachers,
 - (d) foster parents,
 - (e) youth workers,
 - (f) advocates,
 - (g) guardians, and
 - (h) social workers.
- (5) When making regulations under section 56, the Secretary of State must not specify scientific methods unless the Secretary of State receives written approval from the relevant medical, dental and scientific professional bodies that the method is both ethical and accurate beyond reasonable doubt for assessing a person's age.
- (6) Any organisation developed to oversee age assessments must be independent of the Home Office.
- (7) The standard of proof for an age assessment is reasonable degree of likelihood.